

REMARKS

STATUS OF THE SPECIFICATION AND CLAIMS

The specification has been amended to provide antecedent basis for claims 13 and 14. Support for the amendments may be found in originally filed claims 13 and 14. No new matter has been added.

Claims 1, 3-7, 9-11, and 13-19 are pending; claims 22-25 are added; and claims 2, 8, 12, 20, and 21 are canceled. Claims 1, 11, and 19 are amended. Support for the amendments to claims 1, 11, and 19 and addition of claims 22-25 can be found in the originally filed specification, for example in originally filed claims 2, 8, and 12 and in the originally filed specification on page 7, Table 1; page 7, lines 4-9; and page 2, lines 12-15. Further support may be found at page 5, lines 7-20. No new matter has been added.

REJECTIONS OF SPECIFICATION

The specification is objected to for allegedly failing to provide proper antecedent basis for claims 13 and 14. The specification has been amended to provide such antecedent basis. Therefore, the objection should be removed.

NONSTATUTORY DOUBLE PATENTING REJECTION

Claims 1-2 and 4-21 are rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly nonpatentable over claim 8 of US 2005/0054542 A1, now issued as US 7,060,662. A Terminal Disclaimer is being filed in view of US 7,060,662. Therefore, the rejection should be removed.

REJECTIONS UNDER § 102

US 6,251,840 (Ward)

Claims 1, 2, 4-5, 7-14, and 16-21 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by US 6,251,840 to Ward (“Ward”). This rejection is respectfully traversed for at least the following reasons.

Independent claim 1 defines a power transmitting fluid comprising a base oil consisting essentially of mineral oil and at least one thiadiazole or derivative thereof present in an amount sufficient to provide a coefficient of friction of at least 0.0758 for steel-on-steel contact, wherein the fluid has improved steel-on-steel friction properties. Independent claim 11 defines an additive composition comprising at least one thiadiazole or derivative thereof present in an amount sufficient to provide a coefficient of friction of at least 0.0758 for steel-on-steel contact, wherein the fluid has improved steel-on-steel friction properties. Claim 19 defines a method of making a power transmission fluid having steel-on-steel friction-improving capabilities, comprising adding to a major amount of base oil consisting essentially of mineral oil, a thiadiazole in an amount sufficient to provide a coefficient of friction of at least 0.078 for steel-on-steel contact. Nothing in Ward discloses or suggests such a fluid.

In particular, Ward discloses a lubricating fluid that exhibits improved antiwear and antifoaming properties. Nothing in Ward discloses, teaches or suggests a fluid having improved steel-on-steel friction or a method of making such a fluid. Ward does not disclose using amounts of the claimed at least one thiadiazole sufficient to provide a coefficient of friction of at least 0.0758. Further, Ward discloses that the preferred base oil is a synthetic base oil or mixture thereof. All of the examples include a synthetic base oil, specifically PAO. Thus, the combinations disclosed in Ward contemplate amounts and embodiments optimized for use with PAO. Further, no examples of working embodiments are given without the use of PAO.

Therefore, Ward does not anticipate, nor make obvious, the presently claimed independent claims or their dependent claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

US 2002/0151441 (Srinivasan)

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by US 2002/0151441 to Srinivasan (“Srinivasan”). This rejection is respectfully traversed for at least the following reasons.

Independent claim 1 defines a power transmitting fluid comprising at least one thiadiazole or derivative thereof present in an amount sufficient to provide a coefficient of

friction of at least 0.0758 for steel-on-steel contact, wherein the fluid has improved steel-on-steel friction properties. Nothing in Srinivasan discloses such a fluid.

In particular, Srinivasan discloses an automatic transmission fluid composition comprising many components including a dispersant, a detergent, and a mixture of friction modifiers. Srinivasan broadly discloses the use of thiadiazoles as an optional additive component. Further, the examples in Srinivasan do not even specify the presence of a thiadiazole component. The present application, on the other hand, contemplates a surprising benefit when using a fluid according to claim 1 in the improvement of steel-on-steel friction. For example, see Table 1 on page 7 of the present specification. Clearly Srinivasan does not disclose, teach, or suggest a fluid according to present claim 1 that has improved steel-on-steel friction by utilizing sufficient thiadiazole to provide a coefficient of friction of at least 0.0758. Therefore the rejection with respect to independent claim 1 and dependent claim 3 should be removed. Further, the newly added claims are likewise novel over Srinivasan.

US 2005/0054542 (Muchmore)

Claims 1-2 and 4-21 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by US 2005/0054542 to Muchmore ("Muchmore"). This rejection is overcome by the filing of a Terminal Disclaimer over Muchmore. Therefore, this rejection should be removed.

REJECTIONS UNDER § 103(a)

US 6,251,840 (Ward) in view of US 6,634,977 (Ooyama)

Claims 6 and 15 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ward in view of US 6,634,977 to Ooyama ("Ooyama"). This rejection is respectfully traversed for at least the following reasons.

For at least the reasons stated above, independent claims 1 and 11 are novel in view of Ward. Ooyama is cited as disclosing specific types of CVTs. However, even with the combination of Ooyama with Ward, the present claims 1 and 11 are not made obvious. In particular, neither Ward nor Ooyama disclose, teach, or suggest a power transmitting fluid comprising a base oil consisting essentially of mineral oil and at least one thiadiazole or

derivative thereof present in an amount sufficient to provide a coefficient of friction of at least 0.0758 for steel-on-steel contact, wherein the fluid has improved steel-on-steel friction properties as claimed in claim 1. Further, neither Ward nor Ooyama disclose, teach, or suggest an additive composition comprising at least one thiadiazole or derivative thereof present in an amount sufficient to provide a coefficient of friction of at least 0.0758 for steel-on-steel contact, wherein the fluid has improved steel-on-steel friction properties as claimed in claim 11. Therefore, this rejection with respect to independent claims 1 and 11 and their dependent claims 6 and 15, respectively, should be removed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

FEES

The undersigned believes that there are no fees associated with this filing. However, if the calculations are incorrect, the Commissioner is hereby authorized to charge any deficiencies in fees or credit any overpayment associated with this communication to Deposit Account No. 12-2355. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 12-2355.

Respectfully submitted,



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